

Stephen M. Sansom (#10678)  
Brandon T. Christensen (#16420)  
HOLLAND & HART LLP  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101  
Tel: (801) 799-5897  
*smsansom@hollandhart.com*  
*btchristensen@hollandhart.com*

Anthony R. Zeuli (*Admitted Pro Hac Vice*)  
Thomas Johnson (*Admitted Pro Hac Vice*)  
Joseph Dubis (*Admitted Pro Hac Vice*)  
MERCHANT GOULD P.C.  
2200 Fifth Street Towers  
150 South Fifth Street  
Minneapolis, MN 55402-4247  
Tel: (612) 332-5300  
*tzeuli@merchantgould.com*  
*tjohnson@merchantgould.com*  
*jdubis@merchantgould.com*

*Attorneys for Plaintiffs*

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
SOUTHERN REGION OF THE CENTRAL DIVISION**

---

CRYSTAL LAGOONS U.S. CORP. AND  
CRYSTAL LAGOONS TECHNOLOGIES INC.,

Plaintiffs,

vs.

DESERT COLOR MANAGER LLC, DESERT  
COLOR ST. GEORGE LLC, AJ  
CONSTRUCTION, INC., COLE WEST HOME  
LLC, HOLMES HOMES, INC., SULLIVAN  
HOMES LLC, and PACIFIC AQUASCAPE  
INTERNATIONAL, INC.,

Defendants

**CONSENT INJUNCTION**

Case No. 2:20-cv-00851-BSJ

Judge Bruce S. Jenkins

**JURY TRIAL DEMANDED**

---

**CONSENT INJUNCTION**

THIS MATTER, Case No. 2:20-cv-00851 (the “Civil Action”), having been commenced by Plaintiffs Crystal Lagoons U.S. Corp. and Crystal Lagoons Technologies Inc. (“Crystal Lagoons”), by filing a First Amended Complaint (“Complaint”) against the above Defendants including Defendant Cole West Home, LLC (“Cole West”).

Defendant Cole West having agreed and acknowledged service for the purposes of consenting to jurisdiction and enforcement by this Court;

Defendant Cole West without admitting the allegations of the Complaint or Motion for Preliminary Injunction (ECF No. 10) for the purposes of this Consent Injunction (the “Consent Injunction”), except as to jurisdiction and venue, which it admits, consents to the entry of this Order and states that the consent is entered voluntarily;

Cole West reserves all defenses other than those explicitly waived herein;

Plaintiffs and Defendant Cole West having consulted independent legal counsel in connection with this Civil Action; and

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, and ORDERED AND ADJUDGED, and made effective as of the 1st day of June, 2021 as follows:

1. The Court has personal jurisdiction over each of the parties to this action. The Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) over the Lanham Act claims because the action alleges inter alia violations of federal statutes; and the Court has jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 over the state law claims because they arise

out of the same nucleus of operative fact and are so related to the federal cause of action that they form the same case or controversy. Venue is proper in this judicial district under 28 U.S.C. § 1391 because Defendant Cole West resides in this district, has its principal places of business here, or both. In addition, a substantial part of the events giving rise to the claims occurred in this district.

2. Defendant Cole West consents to the jurisdiction of this Court to enter and enforce the Order against them, their officers, employees, servants, agents, licensees, attorneys, subsidiaries and assigns, and the parties hereby consent to the entry of this Consent Injunction.

3. The Court hereby directs an injunction in favor of Plaintiffs and against Defendant Cole West in accordance with the terms herein.

4. Crystal Lagoons owns U.S. trademarks on the name “Crystal Lagoons®” and related terms, covering a wide range of goods and services. These include:

<b>Registration No.</b>	<b>Date of Registration</b>	<b>Trademark</b>
3,881,936	November 30, 2010	CRYSTAL LAGOONS
5,312,449	October 17, 2017	CRYSTAL LAGOONS
5,336,166	November 14, 2017	CRYSTAL LAGOONS WORLD’S TOP AMENITY
5,454,097	April 28, 2018	CRYSTAL LAGOONS
5,465,084	May 8, 2018	CRYSTAL LAGOONS
5,551,251	August 28, 2018	CRYSTAL LAGOONS WORLD’S BEST AMENITY
5,870,729	October 1, 2019	CRYSTAL LAGOONS
5,927,101	December 2, 2019	THE BEACH BY CRYSTAL LAGOONS

6,042,995	April 28, 2020	CRYSTAL LAGOONS
-----------	----------------	-----------------

(Registrations attached as Exhibit A).

In addition, Crystal Lagoons owns copyrights in the entire website at <https://www.crystal-lagoons.com>. Crystal Lagoons' copyrighted work includes all images, text, designs, flow and source code (collectively "Desert Color's Copyright IP") including but not limited to those images on Exhibit B.

Effective immediately, Defendant Cole West is enjoined and restrained and shall:

1. Cease all use of any kind of the CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity and those listed on Ex. A;
2. Remove, take down and destroy within 30 days any and all uses of CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity;
3. Cease all use of any kind of Crystal Lagoons' images, photographs, or renderings, including but not limited to those listed on Ex. B;
4. Remove, take down and destroy within 30 days any and all Crystal Lagoons Copyright IP including uses of images, photographs and renderings listed on Ex. B;
5. Instruct all third-party affiliates and partners to stop all use of the CRYSTAL LAGOONS mark or substantially similar names or marks, including but not limited to the mark CRYSTAL in connection with any water amenity, including but not limited to those listed on Ex. A., and stop all use of any kind of Crystal Lagoons' images, photographs, or renderings, including but not limited to those listed on Ex. B; and
6. Not use any flocculant to treat the lagoon water at Desert Color.

This Court shall retain jurisdiction of this matter for the purpose of enforcing the terms and provisions of this Consent Injunction.

This Consent Injunction resolves all claims for relief against Defendant Cole West in the Motion for Preliminary Injunction (ECF No. 10). Any and all remaining claims as between Plaintiffs and Defendant Cole West as well as any claims against the other Defendants not addressed by this Consent Injunction which were raised in the Civil Action, are unaffected by this Consent Injunction and shall proceed.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Bruce S. Jenkins  
United States District Court Judge  
District of Utah Southern Region of the  
Central Division

**CONSENT**

The foregoing Consent Injunction is approved as to form and substance, and the entry thereof without further notice is hereby consented to, and the respective parties have agreed to waive, and do hereby waive, all rights of appeal which they, or any of them, may have from said Consent Injunction.

Date: June 9, 2021

By: /s/Stephen M. Sansom

Stephen M. Sansom  
Brandon T. Christensen  
HOLLAND & HART LLP  
*SMSamson@hollandhart.com.*  
HOLLAND & HART LLP  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101  
Tel: (801) 799-5897

Anthony R. Zeuli (*Pro Hac Vice*)  
*TZeuli@merchantgould.com*  
Thomas Johnson (*Pro Hac Vice*)  
*TJohnson@merchantgould.com*  
MERCHANT GOULD P.C.  
2200 Fifth Street Towers  
150 South Fifth Street  
Minneapolis, MN 55402-4247  
Tel: (612) 332-5300  
Fax: (612) 332-9081

*Counsel for Plaintiffs*  
*Crystal Lagoons US Corp and Crystal*  
*Lagoons Technologies, Inc.*

Date: June 9, 2021

By: /s/ Jared L. Inouye (signed with permission)

Barry N. Johnson (#6255)  
Jared L. Inouye (#9776)  
BENNETT TUELLER JOHNSON & DEERE  
3165 East Millrock Drive, Suite 500  
Salt Lake City, Utah 84121  
Telephone: (801) 438-2000  
Email: bjohnson@btjd.com;  
jinouye@btjd.com

*COUNSEL FOR COLE WEST HOME, LLC*